STATE OF NEW YORK

3747--A

2019-2020 Regular Sessions

IN SENATE

February 13, 2019

Introduced by Sens. KENNEDY, BENJAMIN, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Ethics and Internal Governance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to prohibiting sexual harassment by certain individuals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section 74 of the public officers law is amended by adding a new paragraph j to read as follows:

j. No officer or employee of a state agency, member of the legislature or legislative employee shall commit an act of sexual harassment while serving in his or her official capacity. For purposes of this section, "sexual harassment" shall include all conduct which is prohibited pursuant to an employer's sexual harassment prevention policy adopted pursuant to subdivision one of section two hundred one-g of the labor law.

§ 2. Subdivision 4 of section 74 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d [~~or~~], i **or j** of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

§ 3. This act shall take effect immediately and shall apply to conduct that occurs on and after such effective date.